

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

– *against* –

CITY OF NEW YORK, *et al.*,

Defendants.

**ORDER**

No. 19-cv-6332 (ER)

Ramos, D.J.:

Defendants submitted a letter motion to the Court on March 8, 2024 indicating that Mr. Torres has repeatedly failed to cooperate with Defendants to schedule his deposition and thereafter failed to appear at the scheduled deposition. Doc. 265. Defendants requested that the Court enter an order compelling Mr. Torres to appear for his deposition on April 9, 2024. *Id.* The Court granted the request the same day. Doc. 268. The Court warned Mr. Torres that failure to comply may result in dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *Id.*

Mr. Torres failed to appear for his April 9 deposition, however, and Defendants have now moved to dismiss the case either (1) as a sanction for failure to comply with the Court's orders or (2) pursuant to Rule 41(b) for failure to prosecute. Doc. 273.

Mr. Torres is directed to respond to Defendants' motion to dismiss by **May 16, 2024**, and Defendants are directed to reply by **May 30, 2024**. The Court again admonishes Mr. Torres that

failure to respond or to comply with his discovery obligations may result in dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

It is SO ORDERED.

Dated: April 18, 2024  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

---

Edgardo Ramos, U.S.D.J.